

EDMONDS CITY COUNCIL APPROVED MINUTES

April 5, 2005

Following a Special Meeting at 6:45 p.m. for the Council to meet with a newly appointed member of the Library Board, the Edmonds City Council meeting was called to order at 7:00 p.m. by Mayor Pro Tem Marin in the Council Chambers, 250 5th Avenue North, Edmonds. The meeting was opened with the flag salute.

ELECTED OFFICIALS PRESENT

Richard Marin, Mayor Pro Tem
Jeff Wilson, Council President Pro Tem
Michael Plunkett, Councilmember
Mauri Moore, Councilmember
Peggy Pritchard Olson, Councilmember
Dave Orvis, Councilmember
Deanna Dawson, Councilmember

ELECTED OFFICIALS ABSENT

Gary Haakenson, Mayor

ALSO PRESENT

Bryan Huntzberger, Student Representative

STAFF PRESENT

David Stern, Chief of Police
Duane Bowman, Development Services Director
Brian McIntosh, Parks & Recreation Director
Jennifer Gerend, Economic Development Dir.
Noel Miller, Public Works Director
Rob Chave, Planning Manager
Dave Gebert, City Engineer
Don Fiene, Assistant City Engineer
Steve Bullock, Senior Planner
Frances Chapin, Cultural Services Manager
Scott Snyder, City Attorney
Sandy Chase, City Clerk
Jana Spellman, Senior Executive Council Asst.
Jeannie Dines, Recorder

1. APPROVAL OF AGENDA

COUNCIL PRESIDENT PRO TEM WILSON MOVED, SECONDED BY COUNCILMEMBER MOORE, FOR APPROVAL OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.

2. CONSENT AGENDA ITEMS

Council President Pro Tem Wilson requested Item D be removed from the Consent Agenda and Councilmember Moore requested Item H be removed.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCILMEMBER MOORE, FOR APPROVAL OF THE REMAINDER OF THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

- (A) **ROLL CALL**
- (B) **APPROVAL OF CITY COUNCIL MEETING RETREAT MINUTES OF MARCH 18-19, 2005.**
- (C) **APPROVAL OF CITY COUNCIL MEETING MINUTES OF MARCH 22, 2005.**
- (E) **APPROVAL OF CLAIM CHECKS #78224 THROUGH #78402 FOR THE WEEK OF MARCH 21, 2005, IN THE AMOUNT OF \$500,339.94. APPROVAL OF CLAIM CHECKS #78403 THROUGH #78584 FOR THE WEEK OF MARCH 28, 2005, IN THE AMOUNT OF \$351,101.82.**

Approve
3/18/05
Minutes

Approve
3/22/05
Minutes

Approve
Claim Checks

Claims for
Damages

- (F) **ACKNOWLEDGE RECEIPT OF CLAIMS FOR DAMAGES FROM GARY ATKINSON (\$170.08), AND LEANNE SHELTON (\$726.91).**

220th St. SW
Improvement
Project

- (G) **AUTHORIZATION FOR MAYOR TO SIGN AN INTERLOCAL AGREEMENT WITH OLYMPIC VIEW WATER AND SEWER DISTRICT FOR 220TH STREET SW IMPROVEMENT PROJECT UTILITIES.**

2003 Water
Main
Replacement
Project

- (I) **REPORT ON FINAL CONSTRUCTION COSTS FOR THE 2003 WATERMAIN REPLACEMENT PROGRAM – PHASE III / CHASE LAKE AND COUNCIL ACCEPTANCE OF PROJECT.**

2004 Street
Overlay
Project

- (J) **REPORT ON FINAL CONSTRUCTION COSTS FOR THE 2004 STREET OVERLAY PROJECT AND COUNCIL ACCEPTANCE OF PROJECT.**

76th Ave. W
Overlay
Contract

- (K) **REPORT ON FINAL CONSTRUCTION COSTS FOR THE 76TH AVENUE W OVERLAY (SR99 TO 220TH STREET SW) CONTRACT WORK AND COUNCIL ACCEPTANCE OF THE CONTRACT WORK.**

Approve
3/29/05
Minutes

Item D: Approval of City Council Community Outreach Meeting Minutes of March 29, 2005

Council President Pro Tem Wilson advised he pulled this item from the Consent Agenda in order to abstain for the vote as he was unable to attend the March 29 meeting.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER ORVIS, FOR APPROVAL OF ITEM D. MOTION CARRIED (6-0-1), COUNCIL PRESIDENT PRO TEM WILSON ABSTAINED. The item approved is as follows:

- (D) **APPROVAL OF CITY COUNCIL COMMUNITY OUTREACH MEETING MINUTES OF MARCH 29, 2005.**

Fiber Optic
Cable Service
Level License
Agreement

Item H: Authorization for Mayor to Sign Fiber Optic Cable Service Level License Agreement with the Washington State Department of Transportation (WSDOT)

Councilmember Moore explained she pulled this item from the Consent Agenda to point out to the public what a great deal this was; the city would receive a fiber optic cable from the waterfront to Hwy. 99 at no cost, which is a great infrastructure for the future.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCIL PRESIDENT PRO TEM WILSON, FOR APPROVAL OF ITEM H. MOTION CARRIED UNANIMOUSLY. The item approved is as follows:

- (H) **AUTHORIZATION FOR MAYOR TO SIGN FIBER OPTIC CABLE SERVICE LEVEL LICENSE AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WSDOT).**

Library Board
Appointment

3. INTRODUCTION OF MAYOR'S APPOINTMENT OF DIANNE BORCHERT TO THE LIBRARY BOARD

Library Board President Jim Thyden introduced the Mayor's appointment to the Library Board, Dianne Borchert. He explained Ms. Borchert, a librarian and teacher, was selected from five very well qualified applicants. Ms. Borchert indicated her excitement at participating on the Library Board.

COUNCIL PRESIDENT PRO TEM WILSON MOVED, SECONDED BY COUNCILMEMBER ORVIS, THAT THE CITY COUNCIL ENDORSE MAYOR HAAKENSON'S APPOINTMENT OF DIANNE BORCHERT TO THE LIBRARY BOARD. MOTION CARRIED UNANIMOUSLY.

Mr. Thyden advised the four applicants not selected were encouraged to remain active as City volunteers.

National
Public Health
Week

4. PROCLAMATION IN HONOR OF NATIONAL PUBLIC HEALTH WEEK, APRIL 4 – 10, 2005

Mayor Pro Tem Marin read a proclamation declaring April 4-10, 2005 as Public Health Week in Edmonds. He introduced Rick Zahalka, Food Division Manager, Snohomish County Health District, who described the importance of the food safety program in public health. He noted the Snohomish County Health District's program has won two national awards for excellence in the past 20-years. However, 20 years ago, the food program was not supported and there was poor enforcement.

Mr. Zahalka explained the current food program is effective and based on the latest scientific knowledge provided by the Center for Disease Control, FDA and the United States Department of Agriculture. The staff is trained in biology and microbiology and is knowledgeable in conducting inspections, educating and enforcing the codes.

Mr. Zahalka described the Award of Excellence program, explaining when the program began 16 years ago, any restaurant that received a perfect score on their inspection report was nominated and usually received the award. Today, the level of competition has increased due to the number of establishments who have taken food safety seriously, making it extremely difficult to select a winner. Mayor Pro Tem Marin commented on how proud he was to be associated with the Health District and people like Mr. Zahalka who enforce food safety in the community on a daily basis.

Six-Year
Capital
Improvement
Program

5. PUBLIC HEARING FOR ADOPTION OF 2005-2010 SIX-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) AS PART OF CITY OF EDMONDS COMPREHENSIVE PLAN

Assistant City Engineer Don Fiene explained the CIP was a long range planning tool. It is updated annually as a requirement of the Growth Management Act (GMA) with input from Public Works, Community Services, Engineering, Finance, Wastewater Treatment Plant, and Parks & Recreation. He displayed a sample CIP spreadsheet that detailed the revenue and expenditures for each fund. He referred to the Project Description Book that provided the name of each project, estimated cost, project description, benefit rationale, schedule, and cost breakdown. He reviewed a typical project description using the 220th Street improvements as an example.

Fund 112 - Transportation Project Fund

Mr. Fiene explained this fund financed a wide variety of projects including street overlays, road improvements/widening, traffic signals, road stabilization, traffic calming, bikeways and walkways. He reviewed the impact of I-776, the loss of vehicle registration fees, on revenue which resulted in the loss of approximately \$350,000 per year in local funding or 46% of Fund 112's annual revenue stream. He described other sources of funding including the fuel tax which has not increased with inflation, and Utility Fund transfers. He displayed a chart illustrating local revenues and a graph demonstrating how local revenues would have increased without I-776 and with inflation and the reduction in funding as a result of I-776 and no additional local revenues. He summarized that with the passage of I-776, the City was falling behind on the goals and objectives in the adopted Transportation Comprehensive Plan.

Mr. Fiene recalled a Fund 112 financing plan presented to the Council as a result of a request at the 2004 Council retreat. He noted that although a Traffic Impact Fee was adopted, the remainder of the financing plan was deferred awaiting a solution by the State legislature. He briefly commented on statewide methods being considered including street utilities, increase in local gas taxes, registration fees, voter initiatives, household excise taxes, employer taxes, annual transportation fees and extended REET.

Mr. Fiene provided photographic samples of Fund 112 projects including the 196th Avenue West pedestrian improvements, 220th street improvements, and 100th Avenue road stabilization. He summarized there was a serious funding shortfall for Fund 112, noting the direction from the Mayor and Council was to wait for State legislature action. He concluded that absent adequate legislative action, staff believes the City will need to provide additional funding or revise the Comprehensive Plan.

Fund 113 – Multimodal Transportation/Edmonds Crossing

Mr. Fiene briefly reviewed the intent of Fund 113 to fund the multimodal transportation project, Edmonds Crossing.

Fund 116 – Building Maintenance Fund

Mr. Fiene explained the Building Maintenance Fund financed maintenance of City buildings which include the Frances Anderson Center, City Hall, fire stations, library, Public Safety building, Public Works building, as well as other City buildings. The revenue source for this fund, the General Fund, had been impacted by I-695 and I-747. He displayed a graph illustrating how local revenues would have increased with inflation and the reduction in funding as a result of limited local revenues. He noted staff was calling for increased General Fund revenues beginning in 2007. Staff also planned to seek energy improvement loans and HUD grants. He summarized the lack of funding would defer building maintenance.

Fund 125 – Parks, Open Space, Recreation, Beautification Fund

Mr. Fiene explained this fund was used for improvement of existing parks, development of new parks, beautification/streetscape, trails, etc. He provided photographic samples of Fund 112 projects including the new skateboard facility being planned, the Cultural Arts Center and various ADA improvements.

Fund 126 – Parks Acquisition Fund

Mr. Fiene explained a typical project would be the waterfront acquisition.

Fund 412-100 – Water Projects

Mr. Fiene explained these projects were identified in the approved 2002 Water Comprehensive Plan; Priorities include improving fireflow, replacing deteriorating pipes, replacing 1% of City pipes or 1.38 miles per year, and storage and control improvements. He displayed sample water projects including water line replacement in south Perrinville and College Place.

Fund 412-200 – Storm Projects

Mr. Fiene explained these projects were identified in the 2003 Stormwater Comprehensive Plan; projects address capacity and maintenance problems, and environmental concerns. He displayed sample CIP project sheets for replacement of a deteriorated pipe in the North Stream area and Puget Drive and the Dayton Street outfall.

Fund 412-300 – Sewer Projects

Mr. Fiene explained these projects were per the 2000 Comprehensive Plan (to be updated in 2006); priorities include maintenance and environmental issues, and capacity problems. He displayed sample CIP project sheets for rehabilitation/replacement of Lift Stations 7 & 8 and gravity sewer rehabilitation on Dayton Street.

Fund 414 – Wastewater Treatment Plant Projects

Mr. Fiene explained this fund was used to replace worn machinery, equipment and controls at the Wastewater Treatment Plant; improving and replacing flow meters, repairing outfall lines, and repairing influent trunk lines. He displayed the CIP project sheet for the bar screen replacement and outfall repair project.

Mr. Fiene summarized many transportation projects had been eliminated due to the serious funding shortfall. Fund 116 relied heavily on grants and loans to meet project needs and staff recommended increased General Fund support in 2007-2010. He concluded the other funds appeared to be meeting minimum needs.

Mr. Fiene relayed the Planning Board's recommendation to deny approval of the CIP due to funding problems with Fund 112 and Fund 116. The Planning Board found the City was falling behind on its Comprehensive Plan goals and objectives. The Planning Board also found Fund 116 to be too reliant on grants and loans that may not be attainable. Staff welcomed comments and feedback as well as the opportunity to address comments from the Council and the public. Staff recommends approval of the 2005-2010 CIP and resolving funding issues prior to the next CIP.

Councilmember Dawson commented that she understood the Planning Board wanting to send a message to the City Council regarding the need to study transportation issues and either eliminate the problems or identify funding. She noted the Council and Mayor were aware of the funding issues and planned to wait to see what local funding options were identified by the legislature. She asked whether it was necessary for the Council to pass the CIP tonight or could it wait to see what action was taken by the legislature this session. Mr. Fiene answered the CIP was updated annually and there was some time to delay approval.

Councilmember Dawson inquired whether there was any benefit to waiting to approve the CIP until the legislature had taken action. Planning Manager Rob Chave explained the CIP could be amended at any time. He noted the main concern was consistency between the CIP and the budget; it could be accomplished via a multi-step process, i.e., adopting the proposed plan to ensure the projects in the budget were included while additional issues were studied. After the legislative session, the Council could amend the CIP. Councilmember Dawson commented it was unlikely any action taken by the legislature would result in the collection of additional funds in 2005. Mr. Chave agreed, noting the legislature's action would impact subsequent years.

Councilmember Plunkett inquired whether the additional General Fund monies staff proposed for Fund 116 were existing General Fund monies or new revenue options. Public Works Director Noel Miller answered the intent was additional General Fund monies. He recalled at the last Council retreat Administrative Services Director Dan Clements indicated there would be additional funding options for the General Fund.

Councilmember Plunkett asked whether the new revenues would be at the State or local level. Mr. Miller recalled Mr. Clements outlining local increases such as sales tax sourcing. Councilmember Plunkett observed the Council and staff discussed building maintenance and funding options at every retreat but he did not recall reaching any conclusion during those discussions. He inquired what building maintenance had been accomplished in the past five years. Mr. Miller answered staff had either deferred projects or utilized the Fund's ending cash balance or HUD grants. He noted consideration was also being given to the State's energy loan program to replace the HVAC systems in City Hall, the library and possibly other buildings.

For Councilmember Plunkett, Mr. Miller explained the Planning Board did not comment on individual CIP projects, they questioned whether the CIP represented a realistic viewpoint with regard to revenue sources to complete the projects.

Councilmember Plunkett commented his understanding was the skate park was only a concept and inquired whether it was included in the CIP because it has been reviewed and recommended by the Planning Board. Parks & Recreation Director Brian McIntosh explained the skate park was identified in

the 2002 Park Comprehensive Plan, with the project funded via REET. The Planning Board has reviewed the project but at this time it was only a proposal that required further review. Councilmember Plunkett clarified this was only the first step. He asked whether the Planning Board had determined the proposed site was the best location for the skate park. Mr. McIntosh recalled the Planning Board posed a number of questions for the ad hoc group who is proposing the skate park to investigate.

Council President Pro Tem Wilson inquired how often cost estimates for future years were updated. Mr. Fiene answered project costs were the best estimates available for the current year plus inflation. Projects in 2005-2006 had more detailed estimates due to more detailed examination that has been conducted; projects in later years have contingencies to address unknown costs. Observing that projects in future years were based on a preliminary plan, Council President Pro Tem Wilson inquired about value engineering or budget estimates for those projects. Mr. Fiene explained it would depend on the project and if a similar project had been done recently. He acknowledged if it were a unique project, it may be more difficult to obtain a good cost estimate. Council President Pro Tem Wilson asked if the cost estimate for a 2007-2008 project, whose estimate was based on a preliminary design, would be revised in the 2006 CIP update. Mr. Fiene answered cost estimates were updated annually as greater detail became available.

Councilmember Olson commented grants required matching funds and without matching funds, the City could not pursue grants. Mr. Fiene agreed, commenting the City was unable to do walkway projects without a local match. He noted most successful walkway grants also required a nexus to a school. Most transportation projects other than overlays and road stabilization projects were dependent on grants. Due to limited funding, without grants, it was not reasonable to do most projects.

Mayor Pro Tem Marin commented it appeared the North Meadowdale sidewalk project was not included in the CIP and suggested it be added as an unfunded project. City Engineer Dave Gebert answered the Comprehensive Plan Transportation element contained a lengthy list of walkway projects, the majority of which were not included in the CIP. If the Council preferred to increase the visibility of the North Meadowdale sidewalk project, it could be added to the CIP as an unfunded project. Mayor Pro Tem Marin suggested that be done to recognize the lack of funding as well as highlight the importance of the project.

Mayor Pro Tem Marin expressed dismay that street overlays had no funding for 2005 and 2006 other than overlays in conjunction with waterline replacement. He recalled the Council's consideration of potential transportation capital funding sources including a transportation levy although that source was not recommended as it was unlikely to be approved. He suggested directing staff to investigate a transportation levy to determine whether this could be a viable funding source. He recalled an option for a transportation levy – an assessment of \$57 per year on a house valued a \$250,000 would generate approximately \$750,000 per year. Mr. Gebert agreed a transportation levy was one of the funding options presented to the Council last August.

Councilmember Moore questioned the value of including an unfunded sidewalk in the CIP when the Planning Board expressed concern with the lack of funding for many of the projects already in the CIP. Mr. Gebert noted there were other unfunded projects included in the CIP. He explained that as the CIP project list has evolved over the years, some projects that previously had funding have been carried forward although funding is no longer available. He advised the unfunded projects could be removed although staff preferred to retain many of the projects that were likely to be funded once funding became available. He acknowledged the North Meadowdale sidewalk project was a high priority to the Council and citizens and including that project on the CIP would elevate its visibility. He commented revenue from any funding options enabled by the legislature would have to be accumulated for a period of time due to the significant cost of that sidewalk project.

Observing that several unfunded sidewalk projects have been included in the CIP in past years, Councilmember Plunkett questioned why the North Meadowdale sidewalk project was removed from this year's CIP. Mr. Gebert answered he was uncertain why that project was removed. Councilmember Plunkett asked whether there were other unfunded projects that had been removed from the CIP. Mr. Gebert stated it was possible.

Council President Pro Tem Wilson observed there were several projects not on the CIP particularly walkway projects. He asked how projects that needed to be done but did not have funding were tracked and how projects were prioritized and included on the CIP. Mr. Gebert answered there was an extensive list of projects in the Comprehensive Plan; for example the Transportation Element contained a long list of walkway projects in priority order. Further, there were capacity improvement projects in the Transportation element whose priority was indicated in the Comprehensive Plan. In the Utilities Capital Improvement Plan, the priority of projects was established by the appropriate Comprehensive Plan.

Noting there was no restriction on how often the CIP was updated, Council President Pro Tem Wilson inquired about the benefit of including unfunded projects in the CIP. He suggested removing projects from the list for which no funding was available and adding them to the CIP as funding became available. He noted this would make the CIP clearer and more realistic. He questioned why some unfunded projects were included on the CIP and others were not. Mr. Gebert recalled at prior Council retreats, project lists were presented with funding options, and staff highlighted projects that could be funded via various funding options and projects that would be eliminated if funding were not available. He concluded that list of projects was included in the CIP without removing unfunded projects in an attempt to illustrate the impact of the loss of funding from I-776 and the number of unfunded projects.

Council President Pro Tem Wilson noted the CIP should either contain all unfunded projects or no unfunded projects. Mr. Gebert suggested if the Council wanted to pursue one of those options, he would prefer eliminating the unfunded projects.

City Attorney Scott Snyder inquired whether State grant programs required projects to be included on the CIP to be eligible for funds. Mr. Gebert explained if the City was seeking a grant for a project, the CIP reflected the grant in the year it was anticipated the grant could be obtained. Mr. Fiene noted a local match must also be shown for a project to be eligible for a grant.

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCILMEMBER MOORE, TO EXTEND DISCUSSION OF THIS ITEM FOR 20 MINUTES. MOTION CARRIED UNANIMOUSLY.

Councilmember Dawson inquired what other unfunded projects were included in the CIP. Mr. Gebert answered in past years there has been a \$25,000 capital project item for signal improvements citywide for unanticipated signal upgrades that arise which had no funding now. Councilmember Dawson noted there were others such as walkway projects, lighting projects, etc. that were unfunded but there were no other specific unfunded projects on the CIP. Mr. Gebert referred to the 164th SW pedestrian improvement project in Fund 112 that had no funding in the six year period other than \$150,000 beyond the 6-year CIP. He agreed there may be an inconsistency in the CIP with regard to including funded and unfunded projects which he concluded was the result of carrying forward a standard list for use in comparing various funding scenarios.

Councilmember Dawson expressed concern with including placeholders in the CIP for potential projects. She noted the Planning Board's objections may be that the CIP is a "wish list" rather than a plan for funding capital projects. She concluded it was not a useful exercise to include all unfunded projects on

the CIP. Mr. Gebert suggested removing projects without funding and only listing projects on the CIP that had funding in the six year period. Staff would maintain a list of potential projects in priority order and as funds became available, add those projects to the CIP.

Mr. Fiene listed intersection improvements, roadway capacity improvements, walkway projects, projects in the Parks & Recreation Comprehensive Plan and street overlay projects that it was anticipated could not be completed in 20 years under the current funding scenario. Councilmember Dawson pointed out those projects highlighted the need for additional funding.

Councilmember Moore expressed her preference to have only projects with funding included on the CIP.

Mayor Pro Tem Marin opened the public participation portion of the public hearing.

Ray Martin, 18704 94th Avenue W, Edmonds, commented the lack of a walkway on 76th Avenue created an unsafe situation where an accident was certain to happen. He questioned the cost estimates, anticipating some type of walkway could be constructed in that area even if it did not meet ADA requirements. He suggested consideration be given to a trail rather than a full sidewalk.

Emily Erlich, 628 Daley, Edmonds, Friends of Civic Playfields, relayed information from an article in the *Edmonds Beacon* that quoted Parks & Recreation Director Brian McIntosh as saying the skate park would contain 6,000 square feet of concrete on the civic fields at the cost of \$180,000. She noted tonight's presentation indicated a cost of nearly \$200,000. She referred to page 98 of the CIP Fund 125 where \$344,000 was allocated for a skate board facility. If the cost of the modular skate park in the civic field was \$200,000, she questioned how the balance of \$144,000 would be spent. She also questioned the source of the funding for the skate park project.

Don Kreiman, 24006 95th Place W, Edmonds, commented Edmonds was a pedestrian friendly community that could not afford sidewalks. He pointed out the problem was lack of revenue. He noted the two sources of revenue for the City were increased sales tax or property tax revenue. The failed property tax levy showed that citizens did not want to increase their property taxes; the only method then was increasing sales tax revenue. He referred to the business owners' efforts during the Comprehensive Plan update to identify ways to increase sales tax revenues. He estimated of the 61 people who spoke at the City Council, business people outnumbered developers and citizens concerned with increasing building heights. He noted the result of the efforts of staff, business people and the Planning Board was that the Council did not utilize the information they provided and took no action. He concluded with the Council passing the Comprehensive Plan update, the Planning Board could produce Design Guidelines that addressed the issues of concern.

Roger Hertrich, 1020 Puget Drive, Edmonds, referred to his testimony at the Planning Board regarding the CIP. He suggested further detail be provided with regard to what the \$80,000 budgeted for the skate park in 2004, \$200,000 in 2005-2006 and \$140,000-\$150,000 in 2008 would be used for. He suggested a list of available grants be provided. He questioned the estimate in Fund 125 to demolish the house on the Beach Place property. He also expressed concern that grants were not sought to replenish the \$500,000 cost of that property and asked whether grants were available for other property purchases. He questioned how the \$600,000 shortfall in Fund 112 for the 220th Street project would be addressed. He agreed with the Planning Board that the CIP was not realistic.

Hearing no further public comment, Mayor Pro Tem Marin closed the public hearing.

In response to suggestions that the Meadowdale walkway project could be accomplished for less than the estimated cost of \$500,000 - \$600,000, Mr. Gebert relayed staff's concern that the project would cost

more due to steep slopes and the length of the sidewalk. He noted a recently awarded smaller project, the 96th Avenue walkway, cost \$400,000. With regard to the \$600,000 shortfall on the 220th Street project, Mr. Gebert recalled when staff requested authorization to call for bids, the Council was briefed on a number of options for funding the potential \$600,000 shortfall.

With regard to the perception by the audience that staff was being deceitful/misleading by listing unfunded projects in Fund 112, Mr. Gebert pointed out if a project was listed but there were not funds identified, the project would not be done.

In response to Ms. Erlich's comments regarding the skate park, Mr. McIntosh explained the estimated cost of developing the 6,000 square foot concrete pad was \$200,000 plus modular pieces. He noted \$146,000 in 2008 was a placeholder for an additional skate park. With regard to the \$80,000 estimate in the 2004 CIP, the \$200,000 reflected the updated cost estimate. With regard to Beach Place, he explained the funds allocated would be used to demolish structures and landscape the property. With regard to the purchase of the Beach Place property, he acknowledged it was a small parcel and may not currently meet a public need; however, the property would go along with other pieces that may be purchased in the future. He acknowledged the City would like to recapture some of the funds via grants used to purchase the property but there was not adequate time to delay the purchase to seek a grant. He noted the ability to replenish Fund 125 would depend on the availability of grants.

Development Services Director Duane Bowman suggested the Council invite Planning Board Chair Jim Young to provide the Planning Board's perspective. Mr. Young explained the Planning Board's recommendation not to adopt the CIP was based on simple, fundamental reasons. First, none of the Comprehensive Plan policies, goals and objectives highlighted during the Comprehensive Plan process as linked with the CIP were addressed even though the Council had just adopted the Comprehensive Plan. He recalled a policy in the Comprehensive Plan that states the CIP will establish levels of service for all the services the City provides and will develop a plan to fund them; there was no discussion regarding levels of service in the CIP. There were also a number of policies promoting and protecting the pedestrian friendliness and orientation of the community; however, all the projects associated with pedestrian amenities in the Fund 112 budget were unfunded including sidewalks, lighting, and crosswalks. There were also policies that state it is the policy of the City to preserve and maintain the existing infrastructure; however, there was no funding in the CIP for street overlays. He summarized there was a disconnect between the recently adopted Comprehensive Plan and the capital budget intended to implement the Plan. If there were not adequate funds, the CIP needed to be revised to meet the goals and objectives of the Comprehensive Plan. He acknowledged the validity of having unfunded projects on some type of list such as in an appendix to the CIP or have unfunded projects listed in the CIP with an annotation that the projects were listed in priority order and identifying under what funding scenarios the projects could be funded. He noted GMA required the City to have a CIP that implemented the Comprehensive Plan which the proposed CIP did not. He relayed another of the Planning Board's concerns, that the CIP relied on numerous grant sources to maintain buildings, funds that staff was uncertain could be obtained.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER PLUNKETT, TO EXTEND DISCUSSION OF THIS ITEM FOR 20 MINUTES. MOTION CARRIED UNANIMOUSLY.

Councilmember Orvis asked whether a project had to be included in the CIP in order to undertake that project. Mr. Snyder answered yes.

Council President Pro Tem Wilson inquired whether the Planning Board asked staff to develop language to show the nexus between the CIP and the adopted Comprehensive Plan policies such as level of service

standards. Mr. Young recalled the reasons listed by Mr. Fiene for the Planning Board recommendation to deny approval of the CIP – problems with Fund 112 and Fund 116, the City was falling behind on its Comprehensive Plan goals and objectives and Fund 116 was too reliant on grants and loans that may not be attainable. Mr. Fiene reviewed how funding problems affected the Comprehensive Plan goals and objectives in the CIP including goals to establish appropriate levels of service for transportation facilities to adequately serve existing and future development which was considered in the Transportation Comprehensive Plan. He reviewed projects that were recommended based on that analysis that were identified on the CIP within the Comprehensive Plan, noting those projects could not be accomplished under the current funding situation. He explained the Transportation Comprehensive Plan included a list of projects to accomplish the levels of service recommended in the Comprehensive Plan.

Mr. Fiene referred to the statement in the Comprehensive Plan adopted in March 2005, if probable funding falls short of meeting identified needs, the Comprehensive Plan shall be reexamined to review how additional funding will be raised or how land use assumptions will be reassessed to ensure that established levels of service standards are met. He explained the Comprehensive Plan identified recommended levels of service.

Council President Pro Tem Wilson commented it should be possible to identify the level of service for each project in the CIP and that should have been done before the Planning Board was asked to provide a recommendation. Mr. Gebert explained for example, the Transportation element considered key intersections in the City including traffic counts, etc. and established the existing level of service for the intersection as well as what the level of service should be and based on the difference between the existing and what it should be, projects were recommended to meet the established level of service. However, there were insufficient funds available to do those projects in a timely manner as recommended by the Transportation element.

Council President Pro Tem Wilson asked whether that information was provided to the Planning Board. Mr. Young explained the Planning Board was satisfied that staff knows what projects need to be done and the reasons those projects could not be accomplished. Therefore, what remained was to revise the Comprehensive Plan to reflect that reality. He noted the Comprehensive Plan served as an umbrella for many of the City's functions and there was no nexus between the Comprehensive Plan and the CIP. He noted the Planning Board wanted the Council to think about what the City was going to do about the funding, particularly if they were interested in economic development.

Council President Pro Tem Wilson commented there may be a problem with the timing; the 2005 budget was adopted with 2004 CIP and now the 2005 CIP implements the 2005 budget and becomes the basis for the 2006 budget. He noted projects that were included in the CIP needed to be budgeted in the next year's budget process.

Council President Pro Tem Wilson asked whether the existing CIP remained in place until an update was adopted. Mr. Snyder explained the City was required to update the CIP annually by July 1. Council President Pro Tem Wilson noted the CIP could be amended in the future such as if grant funds were obtained. He asked staff if not adopting the CIP would delay any projects? Mr. Gebert answered he was unaware of any grants the City planned to apply for in the next month. He explained the Public Works Trust Fund loan was in the State's approved budget and a loan agreement was expected shortly that required concurrency with the Comprehensive Plan.

Councilmember Dawson commented her understanding based on input from the Planning Board and staff was that there was a disconnect between the CIP and adopted Comprehensive Plan because there were goals and objectives in the Comprehensive Plan that were not adequately funded via the CIP. For example, policies regarding pedestrian friendliness but there are no pedestrian projects funded, goals

regarding maintaining infrastructure but there is no funding. She commented the Council's options were, 1) adopt the CIP with the intent of adding projects, 2) revise the Comprehensive Plan or 3) delay approval of the CIP until funding options were clarified at the conclusion of the legislative session.

Mr. Chave advised until a new CIP was adopted, the City would be operating under the existing CIP. The current concern was the May 9 deadline for a Public Works Trust Fund loan that required consistency with the Comprehensive Plan; to the extent the projects that would be funded via the Trust Fund loan were in the Comprehensive Plan, the existing CIP was likely sufficient. He acknowledged the Planning Board's concern was that the City was falling behind with the projects in the CIP due to current funding shortfalls. He explained there were two ways of looking at the problem, acknowledging only a portion of the necessary projects were being accomplished or acknowledging there was a gap and indicating the City was doing their best to identify the gap and move forward to the best of their ability. He preferred a CIP that recognized the current reality and allowed the City to work with the legislature over the next several months to identify ways to bridge the gaps and later revise the CIP if necessary. He preferred not to delay the annual CIP update but rather adopt the proposed CIP to update it to 2005 status. Staff could then revisit the CIP for potential revisions once more was known about additional funding sources via the legislature. Councilmember Dawson pointed out one of the difficulties was the CIP was a list of projects that did not acknowledge the gap. Mr. Chave concluded if the funding situation did not improve, the Council would want to revisit the overall Comprehensive Plan.

Hearing no further questions for staff, Mayor Pro Tem Marin remanded the matter to Council for deliberation.

COUNCILMEMBER PLUNKETT MOVED, SECONDED BY COUNCIL PRESIDENT PRO TEM WILSON, TO DIRECT STAFF TO RETURN THE CIP TO THE COUNCIL IN ONE MONTH SCRUBBED TO REFLECT ONLY FUNDED PROJECTS AND THEN MOVE OTHER ISSUES TO THE COMMUNITY SERVICES/DEVELOPMENT SERVICES COMMITTEE.

Council President Pro Tem Wilson asked for a clarification regarding what issues would be referred to the Community Services/Development Services Committee. Councilmember Plunkett explained the Committee could discuss issues raised tonight and create a process that perhaps reflected consistency and reality. Council President Pro Tem Wilson expressed interest in improving on the process procedurally to create a nexus between the CIP and Comprehensive Plan, how projects are prioritized, etc. Councilmember Plunkett answered his intent was a general policy review rather than specific projects.

Councilmember Orvis noted although there were some funding gaps in the CIP, there were potential funding sources that could be realized via the legislature. If those funding mechanisms were realized, he wanted staff to have the ability to begin work on the projects without a mid-year CIP update.

COUNCILMEMBER DAWSON MOVED, SECONDED BY COUNCIL PRESIDENT PRO TEM WILSON, TO SUSPEND THE RULES TO ALLOW COUNCIL TO ASK QUESTIONS OF STAFF. MOTION CARRIED UNANIMOUSLY.

Mr. Gebert explained if funds became available for a project that was not in the CIP, staff would propose an amendment to the CIP. He noted it was more likely that the timing would allow the project to be incorporated into the next CIP update.

Councilmember Olson expressed concern with the number of upcoming issues and the Council continually delaying decisions. She preferred to vote on the CIP tonight and revisit it in the future if necessary.

Councilmember Plunkett pointed out if the CIP contained only funded projects, and funds became available unexpectedly, the CIP could be amended so that it continued to reflect only funded projects. Mr. Gebert agreed. Councilmember Plunkett clarified his intent was to delay approval 2-3 weeks to allow staff to scrub the unfunded projects from the CIP.

Council President Pro Tem Wilson suggested amending the motion based on Councilmember Olson's comments, to approve the CIP with direction that at the time the final CIP was returned to the Council, all the unfunded projects be removed.

Councilmember Moore, Chair of the Community Services/Development Services Committee, was acceptable to having improvements in the process discussed by the Committee.

Councilmember Plunkett recommended amending the motion to have Council direct staff to return with an ordinance adopting the CIP with the projects without funding removed.

Councilmember Dawson suggested a footnote in Fund 112 such as the Council reiterates its goals and policies as stated in the Comprehensive Plan and acknowledging that the six-year CIP as proposed does not have funding to accomplish all the goals and objectives as stated by the Council but that the Council is committed to seeking additional funding sources to achieve the Comprehensive Plan goals and objectives. She did not recommend removing the broad categories without funding such as pedestrian lighting citywide but rather including the footnote for those projects. She also suggested an amendment to the CIP in Fund 126 to address the Planning Board's concern with grants such as a further explanation regarding grant sources and when they might be obtained.

Councilmember Wilson asked Mr. Snyder address the language Councilmember Dawson suggested in the Whereas clauses. With regard to grants, he suggested staff provide a list of grants in the appendix. Councilmember Dawson referred to the Planning Board's minutes which indicate direction to staff to identify the grants the City has in hand and those they are anticipating as well as highlighting the grants on the spreadsheet.

Mr. Snyder clarified the motion as follows:

STAFF TO PREPARE AN ORDINANCE FOR CONSIDERATION IN TWO WEEKS TO ADOPT THE 2005-2010 CIP THAT REMOVES PROJECT SPECIFIC ITEMS WITHOUT FUNDING AND INCORPORATES COUNCILMEMBER DAWSON'S LANGUAGE IN THE WHEREAS CLAUSES, AND REFERS PROCEDURAL ISSUES TO THE COMMUNITY SERVICES/ DEVELOPMENT SERVICES COMMITTEE. MOTION CARRIED UNANIMOUSLY.

Mayor Pro Tem Marin declared a brief recess.

Definitions of
Setback

6. **PUBLIC HEARING ON THE EXTENSION OF ORDINANCE NO. 3522, AN INTERIM ZONING ORDINANCE, AMENDING THE DEFINITIONS OF SIDE SETBACK ECDC 21.90.050, STREET SETBACK ECDC 21.90.140, AND REAR SETBACK ECDC 21.85.020. (EFFECTIVE DATE OF ORDINANCE NO. 3522 IS 11/12/04; EXPIRES 05/12/05.)**

Development Services Director Duane Bowman explained interim Ordinance No. 3522 was adopted by the Council on November 12, 2004; interim zoning ordinances are effective for six months unless extended. He explained the ordinance originated from a Hearing Examiner's decision and a finding by the Council of ambiguity in the wording of side setbacks. Street and rear setback were added as the definition contained the same language. He explained extensions could be granted to interim zoning ordinances after a public hearing and a finding that there was a necessity for the extension. He advised

Ordinance No. 3522 would expire on May 12, 2005. The Planning Board planned to conduct a public hearing on May 25, 2005 and forward a recommendation to the Council shortly thereafter, warranting an extension. He relayed staff's recommendation to adopt the proposed ordinance extending the interim zoning ordinance and amending the definition of side setback in ECDC 21.90.050, rear setback in ECDC 21.85.020 and street setback in ECDC 21.90.140.

Mayor Pro Tem Marin opened the public participation portion of the public hearing. There were no members of the audience present who wished to address the Council and Mayor Pro Tem Marin closed the public hearing.

Ord# 3544
Definitions of
Setback

COUNCILMEMBER ORVIS MOVED, SECONDED BY COUNCILMEMBER OLSON, TO ADOPT ORDINANCE NO. 3544 EXTENDING THE INTERIM ZONING ORDINANCE AMENDING THE DEFINITIONS OF SIDE SETBACK ECDC 21.90.050, STREET SETBACK ECDC 21.90.140, AND REAR SETBACK ECDC 21.85.020. MOTION CARRIED UNANIMOUSLY. The ordinance approved is as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ENACTING AN INTERIM ZONING ORDINANCE AMENDING THE DEFINITIONS OF SIDE SETBACK ECDC 21.90.050, STREET SETBACK ECDC 21.90.140, AND REAR SETBACK ECDC 21.85.020, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

Contract
Rezone for
Property at
Southeast
Corner of 76th
Ave W and
219th St SW
(Mastgech)

7. **CLOSED RECORD REVIEW OF THE PLANNING BOARD'S RECOMMENDATION TO APPROVE A PROPOSED CONTRACT REZONE AND ARCHITECTURAL DESIGN REVIEW FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 76TH AVENUE W AND 219TH STREET SW. THE REQUESTED REZONE WOULD CHANGE THE ZONING FROM MULTI-FAMILY RESIDENTIAL (RM-2.4) TO GENERAL COMMERCIAL (CG-2) FOR A SPECIFIC DEVELOPMENT PROPOSAL. (APPLICANT: MASTGECH, LLC/FILE NO. R-2004-129 AND ADB-2004-132)**

As this was a quasi judicial matter, Mayor Pro Tem Marin inquired whether any Councilmembers had conflicts or ex parte communication to disclose regarding this matter.

Councilmember Plunkett advised although he had previously disclosed contributions to the Public Disclosure Commission as required, he again disclosed receiving a \$100 contribution from a party of record's architect, Brad Butterfield, in 2001 for a City Council campaign. He was confident he could participate in the matter.

Council President Pro Tem Wilson disclosed he also received a campaign contribution from Mr. Butterfield in 2001; he did not recall the amount. He indicated Mr. Butterfield and he had a conversation last week on an unrelated matter and they did not discuss this project. He advised he could review the matter in a fair and impartial manner.

Mayor Pro Tem Marin asked for any challenges from parties of record to the participation of Councilmember Plunkett and/or Council President Pro Tem Wilson. There were no challenges voiced. Mayor Pro Tem Marin advised all Councilmembers would participate.

City Attorney Scott Snyder reminded this was a closed record review; only parties of record, the applicant in this case, were permitted to speak. He explained this was an opportunity for the Council to ask questions before deliberating on the matter.

Senior Planner Steve Bullock explained this application was somewhat unique. In previous contract rezoning applications, there was often discussion and debate about approving a contract rezoning for a

specific rezone when it had not been reviewed by the Architectural Design Board (ADB). Keeping that in mind and in talking with the applicant regarding this project, staff suggested consolidating design review and the contract rezone. The project has been reviewed by the ADB who forwarded a recommendation to the Planning Board. The Planning Board held a public hearing on the design review and contract rezone and forwarded a recommendation to the Council for final decision on the design review and contract rezone. He noted a street vacation request was also submitted; due to noticing irregularities, that public hearing will be held in three weeks. He advised the project was not dependent on the street vacation.

Mr. Bullock explained the property was almost entirely undeveloped with only one small rental house. The property was currently zoned RM-2.4; the multi family zoning district allows offices but only via the approval of a Conditional Use Permit (CUP) process. Although the Comprehensive Plan identifies this area as part of the Hwy. 99 Medical Activity Center to support Stevens Hospital and provide office and retail centers on Hwy. 99, the Comprehensive Plan designation for the area is Mixed Use Commercial. He explained multi family was a consistent zoning classification under the Mixed Use Commercial designation as was commercial zoning. The applicant has requested a change from RM-2.4 to General Commercial. The General Commercial zoning classification would allow a larger building than would be allowed under RM-2.4 and would allow the use as a medical office as a permitted use without the CUP process required by the RM-2.4 zoning classification.

Mr. Bullock referred to the materials that comprised the record, explaining the Planning Board considered all elements of the proposed rezone. The recommendation from the ADB was that the project met all design review criteria and should be approved. The Planning Board concluded the proposed zoning classification more closely reflected what the City wanted to occur in this area as reflected in the most recent Comprehensive Plan than did the current RM-2.4 zoning classification and recommended approval of the contract rezone.

Mr. Bullock explained the proposed contract rezone was for the building recommended for approval by the ADB. He noted the contract rezone provides assurance to adjacent neighbors who may have been concerned about development under General Commercial zoning that only what is proposed in the contract rezone could occur on that property.

Mr. Snyder explained in the original proposal there was some suggestion that the contract rezone be used to expand the rights proposed for the zone. He explained the applicant for a rezone had the burden of establishing for the Council that the criteria in the code have been met. Under a contract rezone, the applicant voluntarily, via contract, offers to limit what can occur on the property to assure the Council they met the criteria of the zone and did not allow expansion of rights in the zone. The applicant has withdrawn that portion of the proposal. If the Council chooses to approve the rezone, he recommended it be conditioned on presentation of an approved contract.

Mr. Bullock referred to a sample contract rezone document on page 19 of the record. He referred to the section on page 23, Site Development Exceptions, that the applicant stated to the Planning Board they would eliminate. He noted the actual contract rezone document would be drafted by the applicant and the City Attorney.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO EXTEND THE MEETING FOR ONE HOUR. MOTION CARRIED UNANIMOUSLY.

Brad Butterfield, Taylor Gregory and Butterfield Architects, 654 5th Avenue S, Edmonds, introduced his partner Kent Gregory. He explained the project was a 50,000 square foot medical office building with approximately 205 parking spaces. The building will house doctors' offices and their architectural firm. He anticipated beginning construction in spring 2005 and moving in spring 2006.

Mr. Butterfield explained the project received a unanimous recommendation by the Planning Board as well as unanimous approval by the ADB. He explained their medical office building was the highest and best use for this site, was commensurate with other medical buildings in the neighborhood, coordinated with the continued redevelopment of Stevens Hospital and was a vote of confidence for the healthcare community. He referred to the materials provided to the Council, a technical manual explaining the planning and engineering requirements for the project and a design presentation displaying the design concepts for the building.

Mr. Butterfield pointed out that based on their proposed street vacation and traffic mitigation, they were proposing to pay the City a fee of approximately \$156,000, Washington State sales tax of approximately \$900,000 over the next 12 months as well as additional property taxes in the future.

Mr. Butterfield referred to page 2 of the record, the proposed pedestrian walkway on the street to be vacated from 76th Avenue to a pocket park behind Top Foods that they will fund and create as part of the project. He noted there would also be a pedestrian connection linking this project to Hwy. 99. The project would provide a significant contribution to pedestrian access from 76th Avenue to Hwy. 99.

Hearing no questions of staff, Mayor Pro Tem Marin remanded the matter to Council.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER DAWSON, TO UPHOLD THE RECOMMENDATION OF THE PLANNING BOARD ON THIS MATTER AND DIRECT THE CITY ATTORNEY TO PREPARE THE NECESSARY DOCUMENTS FOR COUNCIL APPROVAL, SUBJECT TO APPROVAL OF THE CONTRACT.

Councilmember Moore remarked the project was consistent with the City's Comprehensive Plan and the campus-type developments that have been constructed in the area. It is a first class development.

Councilmember Olson commented the proposed project fit with the Hwy. 99 Task Force's plans.

Councilmember Dawson commented this was an excellent project. She noted one of the lessons to be learned from this project was that it was well presented and the applicant anticipated questions and provided visuals. She recognized the detail in the paperwork describing how the proposal was consistent with the Comprehensive Plan and surrounding area. She commended the applicant for their efforts which made the Council's review much easier.

MOTION CARRIED UNANIMOUSLY.

Councilmember Dawson expressed concern that the public hearing on the street vacation was scheduled on April 26, recalling the Council's interest in reserving meetings on the fourth Tuesday for work meetings. City Clerk Sandy Chase explained the public hearing on the street vacation was originally scheduled for tonight; however, a street vacation requires 20 days notice rather than 10 days so the public hearing was scheduled as soon as possible after the 20 day notice. Councilmember Dawson stated her preference that public hearings not be scheduled on the fourth Tuesday meetings.

8. AUDIENCE COMMENTS

Sidewalk and
Parking
Disruption
Fees

Ron Wambolt, 530 Dayton Street, Edmonds, commented on the City's failure to collect compensation for use of the City property. As an example, he noted the failure to collect sidewalk and parking disruption fees from developers who use sidewalks and streets for construction projects. He recalled speaking at a Council meeting in January 2004 about the condominium project at 6th & Bell where the

developer occupied an extensive portion of the east side of 6th and both sides of Bell for at least two years. He was told the developer would not be assessed fees as the fees were implemented after the project began and because the developer would increase the selling price to cover the fees. Mr. Wambolt pointed out this project sold for \$40,000 more than the advertised price. He referred to the Pt. Edwards development on the Unocal site which resulted in the closure of Pine Street in May 2004 with a posted reopening date of November 2004 when reconstruction of the street was completed. Staff indicated no fee would be charged because it was safer to keep the street closed while the third and fourth buildings were constructed. He asserted the opening of Pine Street was delayed to allow the developer to store their lumber on the street. He pointed out many citizens may be unaware they must pay a fee to reserve space for a moving van in front of their home. He concluded when city property was used for private use, the user should pay.

Contract
Rezone
(Agenda Item
No. 7)

Sue Dixon, Northern Firs Condominiums, spoke regarding the rezone discussed as Agenda Item 7, commenting she just received notification and was unaware of the Planning Board's public hearing. She noted their 100% owner-occupied condominium was the only remaining residential area between Stevens Hospital and Top Foods and now would be between two office buildings. She relayed the condominium owners' concerns with privacy, noise, safety and preservation of green space. She noted the two vacant lots behind their building were the only green grass remaining in the area. She offered to work with the City and developer, particularly in planning for the walkway and park. She commented on the impact Top Foods had on their quality of life due to increased traffic, noise and crime. Mayor Pro Tem Marin encouraged her to contact Mr. Butterfield, noting it appeared from their presentation they were making an effort to be good stewards and likely would welcome her involvement.

Timing of
Decisions by
the State
Legislature

Mike Cooper, 820 Maple Street, Edmonds, commented on his experience in the legislature and the timing of encouraging the legislature to make decisions, pointing out it was too late to ask the legislature to solve the problem this year because all the budgets are out and some will have been passed by the House and/or Senate this weekend. He suggested although the City's lobbyist was good, he could not do the work by himself. Success with the legislature came from community organizations participating in the legislature process. He noted in the eight years he was in Olympia, the only time he saw representatives of the cities in the 21st legislative district was on the day that the Association of Washington Cities (AWC) came to Olympia and those Councilmembers brought the agenda from AWC but not their city's political agenda. He suggested when the legislature adjourned, that was the time to begin discussions with representatives and senators about Edmonds' legislative agenda. He pointed out Edmonds was in a unique situation in the legislature; due to redistricting, Edmonds had six representatives and three senators whose boundaries included Edmonds. He urged the Mayor and Council contact those people in the fall when they were assembling their agenda for the session.

Building
Heights

Consultant to
Assist Council
with Code
Revisions

Ray Martin, 18704 94th Avenue W, Edmonds, remarked the proposed contract with Mark Hinshaw to assist the City Council was a "con job by Mr. Marin or a scam job by Mr. Wilson," alleging the purpose was to raise building heights to 33 feet or higher and to do so after the November election. He urged the Council to make a decision. He referred to an email from Mayor Pro Tem Marin's email that indicated Mr. Hinshaw was recommended as a facilitator and downtown expert and questioned who recommended Mr. Hinshaw. Mr. Martin also inquired about the price for Mr. Hinshaw's services. He referred to an earlier email from Mayor Pro Tem Marin citing a price for Mr. Hinshaw's services in the \$15,000 range and his questioning the value of having so many citizens involved to which Mayor Pro Tem Marin responded he also had a concern about including so many citizens. Mr. Martin then voiced his objection to a statement at the end of an email sent by Council President Pro Tem Wilson's using his company's email, "This message contains information that is confidential or privileged. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure copying this distribution or use of the contents of this information is prohibited." Mr.

Martin pointed out the price for Mr. Hinshaw's services was \$7,000 and questioned whether the reduction was due to not including the public. He urged the Council not to approve hiring the consultant.

Council President Pro Tem Wilson responded to Mr. Martin, remarking he respected Mr. Martin as well as other citizens' right to make comment regarding the Council's performance in a public forum; citizens have that right and the Council respects that right and expected it. However, he did not respect Mr. Martin calling his company as a private citizen and attempting to influence his working relationship with his employer. Council President Pro Tem Wilson objected to Mr. Martin's attempt to negatively affect his working relationship with his employer as it put his family in jeopardy. He concluded that was not ethical or acceptable and he cautioned Mr. Martin not to enter into his private life in a manner that affected his family.

Don Kreiman, 24006 95th Place W, Edmonds, noted there had been a great deal of negativity directed toward the Council in recent months. He reminded the Council there were a lot of good people in Edmonds, both on the Council and in the audience as well as business people who all have abilities that the City can take advantage of. Rather than waiting for the legislature to provide solutions, he preferred to use the assets and people in the city. He referred to business people who make a profit downtown, a location considered to be a lousy place to do business. He pointed out the need for redevelopment downtown and encouraged the Council to listen to business people, developers and citizens. He reminded the Council of a principle of leadership – you do not demand respect, you command respect. He commented the Council could command respect by making a decision; noting the only person who lost was the one that never made a decision/commitment. He encouraged the Council to listen to the business people; they knew how to make money and they were the experts who had the necessary experience.

Need for
Redevelop-
ment
Downtown

Roger Hertrich, 1020 Puget Drive, Edmonds, complimented Mr. Young for his comments. With regard to Design Guidelines, he recalled they were completed a year or more ago and only needed to be tweaked. He pointed out the Design Guidelines were based on a building height of 25 + 5 feet; revising the Design Guidelines using different height calculations would change everything, requiring a new Planning Board process. He read from a 1979 Edmonds Council for Concerned Citizens newsletter that reported on revisions the Council made to the proposed Community Development Code to limit building heights as the result of the effort of many citizens as well as petition signatures. He noted this illustrated how history repeated itself; ACE members continued to gather signatures on the petition to limit building heights. He suggested one of the four Councilmembers who voted in favor needed to reconsider the motion. He reminded Councilmembers were elected to represent the citizens of Edmonds.

Design
Guidelines

9. **PRESENTATION ON DESIGN GUIDELINES**

Planning Manager Rob Chave advised the Council packet contained a chronology of the Design Guidelines. He noted in addition to the draft Design Guidelines, there were amendments to the Development Code to streamline the process. He explained the Design Guidelines were drafted prior to the current Comprehensive Plan update, therefore, in addition to reviewing Code amendments, the Council would likely need to review the Guidelines to ensure they were consistent with the intent of the Comprehensive Plan. He noted Design Objectives had been included in the Comprehensive Plan.

Design
Guidelines

10. **DISCUSSION ON PROPOSED CONTRACT WITH MARK HINSHAW, LMN ARCHITECTS, REGARDING DESIGN GUIDELINES**

Development Services Director Duane Bowman explained that at the direction of the Council President and at the retreat, he drafted a Professional Services Agreement and a scope of work was developed. The scope of work was provided to Mr. Hinshaw to determine if it could be accomplished for the \$7,000 budget. Mr. Hinshaw indicated he could meet the objectives in the scope of work. It was now up to the

Professional
Services
Agreement –
Design
Guidelines

Council to decide whether to retain Mr. Hinshaw to assist the Council in reviewing the Design Guidelines and potentially making a recommendation to the Planning Board to develop regulations to implement the Comprehensive Plan.

Mr. Bowman explained Mr. Hinshaw was one of the more renowned individuals in the country and was very knowledgeable about development/redevelopment issues in an urban setting. If the Council decided to retain Mr. Hinshaw, he suggested the Council also develop a meeting schedule. He noted the Planning Board was moving forward with amendments to implement the Comprehensive Plan, some of which would be presented to the Council on April 19. He noted it was critical to keep those on schedule to meet the May Public Works Trust Fund loan application deadline.

Mayor Pro Tem Marin recalled although the group originally was to have included a number of citizens, at the retreat it was suggested that this was work the Council needed to do and it was better to confine the review to the Council. Accordingly he reviewed the Council's agenda and discussed scheduling with Mr. Hinshaw and determined the first meeting could be scheduled on April 26 and subsequent meetings scheduled on May 3 and 10.

Councilmember Dawson noted the sum to be paid to Mr. Hinshaw was not to exceed \$7,000; however, the fee schedule was not included. She asked for further details regarding the fee schedule such as Mr. Hinshaw's hourly rate, etc. Mr. Bowman advised the entire fee would not exceed \$7,000. He offered to provide the fee schedule to the Council.

Councilmember Dawson inquired whether Mr. Hinshaw planned to include the public in the process, remarking she was not entirely certain what the review would entail. She recalled her primary issue with the Design Guidelines previously was that appeals went directly to Superior Court and not to the City Council. She was also uncertain how the Design Guidelines would affect building heights.

Councilmember Moore recalled at the retreat Councilmember Dawson preferred not to involve citizens and felt it was the Council's responsibility to review the Design Guidelines. She recalled the reason the Council had not voted on height limits previously was because Council President Pro Tem Wilson suggested the Comprehensive Plan be a policy statement and specifics be addressed in the Design Guidelines.

Councilmember Dawson agreed she questioned whether it was appropriate for a committee to review the Design Guidelines or the Council or a combination. She expected there would be further discussion regarding the issue; instead it was returned to the Council two weeks ago and deferred until tonight for further details, yet she still had not received sufficient detail to proceed. She was uncertain this would be a valuable exercise if the Council was not clear about the goal and intent of the review.

Councilmember Moore advised it was her perception that the Design Guidelines would be updated to reflect the current reality and address the height issue specifically as part of the Design Guidelines. Councilmember Olson explained an expert would assist the City with language to avoid future lawsuits due to ambiguous language.

Councilmember Plunkett expressed disappointment that the scope of work (Exhibit A) did not include more specifics and only included a list of everything that had been talked about in the past. He was concerned that the review could not be accomplished in four meetings for \$7,000. He noted if the issue of increased building heights were eliminated, the Design Guidelines could be reviewed by the Community Services/Development Services Committee. He preferred there be more focus on how to reach conclusion with regard to building heights.

Council President Pro Tem Wilson remarked it appeared the effort to delay making a decision on building heights was from those on the losing side of the vote to amend the Comprehensive Plan. He referred to the Comprehensive Plan language: buildings are generally 2-story and pedestrian in scale and there may be taller portions of the building with provisions for mass, scale, pedestrian scale and amenities. He noted the scope of work was consistent with what he has seen in his profession. He clarified the intent was not to prolong the process but to bring the issue to conclusion via development of clear language. He concluded even if the Council could agree on a number for building heights, development regulations would still be necessary to implement the Comprehensive Plan policy. He recalled the last time this was presented to the Council it was delayed to await a scope of work which has now been provided. He pointed out Councilmembers with questions about the scope of work could have contacted staff prior to the meeting so further information could have been provided tonight.

Councilmember Orvis indicated he would be unable to support hiring a consultant as he felt this was the wrong way to proceed as it would continue to lead back to whether to raise building heights.

Councilmember Dawson was concerned this would not be a valuable exercise unless the Council determined what it wanted to do. She did not find the information provided tonight to be any more detailed than what was provided in the past. She expressed frustration that there had not been sufficient discussion at the Council level regarding whether to involve citizens, whether to hold a public hearing, what staff members to involve, what issues each meeting would address, goals to be accomplished, etc. She reiterated it was her understanding the Council would have more discussion about what the four workshops would entail rather than allowing the consultant to determine the process.

COUNCILMEMBER MOORE MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE AUTHORIZATION FOR THE MAYOR TO SIGN A PROFESSIONAL SERVICES CONTRACT WITH MARK HINSHAW FOR THE PURPOSES OF HELPING THE COUNCIL ON THE SCHEDULE THAT THE COUNCIL PRESIDENT OUTLINED.

Councilmember Plunkett voiced his opposition to the motion as the Council did not yet know where it was going.

UPON ROLL CALL, MOTION CARRIED (4-3), MAYOR PRO TEM MARIN, COUNCIL PRESIDENT PRO TEM WILSON, AND COUNCILMEMBERS MOORE AND OLSON IN FAVOR; AND, COUNCILMEMBERS PLUNKETT, DAWSON AND ORVIS OPPOSED.

11. MAYOR'S COMMENTS

Lidar
Mapping

Mayor Pro Tem Marin recalled a question at the Community Outreach meeting in Meadowdale regarding the status of the Lidar mapping. Development Services Director Duane Bowman explained the Council authorized the expenditure of approximately \$65,000 for Lidar mapping in the Development Services 2005 budget – \$30,000 for mapping and \$35,000 for the geotechnical analysis. Staff was finalizing an Interlocal Agreement to reduce the cost of the initial mapping to \$6,000 by joining with several other agencies. He noted the Interlocal Agreement would be presented to the Council on April 19. The balance of the funds would be used for additional specific mapping tasks. He explained once the topographical information was available, a contract would be issued for the geotechnical consultant review with recommendations on landslide hazard area regulation modifications to follow. He advised the Lidar for the entire City had already been flown.

Eliminating
Non-Native
Vegetation

Mayor Pro Tem Marin recalled also at the Community Outreach meeting, a citizen inquired what the City planned to do about eliminating non-native vegetation on City property. He proposed the citizen organize

a neighborhood group to do the work under the supervision of the City which Public Works Director Noel Miller indicated was possible. He encouraged the citizen to get in touch with Mr. Miller.

Community
Outreach
Meeting on
May 31

Mayor Pro Tem Marin advised the next Community Outreach meeting would be held on May 31 at Seaview Elementary.

2. COUNCIL COMMENTS

Sound Transit

Councilmember Moore offered to email Councilmembers her notes from several meetings she attended. She advised Sound Transit was doing long range planning and would be taking public comment. The

Public
Facilities
District

Public Facilities District had several funding opportunities in the State budget and they continue to seek grants to lower the amount of the City's loan guarantee (should that be approved by Council in the future). She reported on plans for a Korean Cultural event this fall and advised the Council would soon be receiving a report from the Telecommunications Advisory Committee.

With no further business, the Council meeting was adjourned at 10:57 p.m.